

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4088 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

H V PATEL

Versus

GUJARAT ELECTRICITY BOARD & OTHERS

Appearance:

MR GS YADAV for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/96

ORAL JUDGEMENT

Heard learned counsel for the petitioner.

The petitioner is a contractor and doing the work on contract basis with the Government and private bodies. He was a registered contractor of Gujarat Electricity Board and was doing the contract work for Gujarat Electricity Board since last many years.

By this Special Civil Application the petitioner

has made a challenge to the order of the respondents under which the petitioner was blacklisted pending the prosecution against Shri Bharat G. Patel and Mohan J. Chaudhary. The petitioner has further made the prayer for direction to the respondents to make the payment due from three divisions, the details of which have been given in the body of writ petition. So far as the aforesaid prayer is concerned, the same has not been pressed by the petitioner, as it appears from the order dated 7-9-1987 of this court. The counsel for the petitioner is unable to say what ultimately has resulted in the criminal complaint which has been filed against Shri Bharat G. Patel and Mohan J. Chaudhary.

The only ground given for blacklisting of the petitioner was the prosecution pending against the aforesaid two persons. No other ground has been given. This court has protected the petitioner by grant of interim relief on 22nd September, 1987 and the operation and implementation of the order blacklisting the petitioner was stayed. So this order, in view of the interim relief granted by this court, has not come into effect. It is a case where the petitioner has been given the final relief at the stage of interim relief and in fact nothing now remains to be decided except that this writ petition be disposed of with the directions to the respondents that on completion of prosecution which has been lodged against the aforesaid two persons, it shall be open to them to reconsider the matter afresh and pass necessary order in accordance with law and after giving notice and an opportunity of hearing to the petitioner.

The writ petition is disposed of in the aforesaid terms. Rule stands disposed of accordingly.

zgs/-